

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **RESOLUTION NO. R-13-02 Amended**

4
5 **Introduced by Alderman Hoyle**

6
7
8 **A RESOLUTION concerning**

9
10 **Arundel Land and Development Co., Inc. Property Annexation**

11
12 **FOR** the purpose of annexing into the boundaries of the City of Annapolis certain property
13 fronting Aris T. Allen Boulevard to the north and east, undeveloped residentially
14 zoned land to the west, undeveloped residentially zoned land to the south and east
15 and to the south and west, contiguous to the existing boundary of the City of
16 Annapolis.

17
18 **WHEREAS,** Arundel Land and Development Co., Inc. is the owner of the property
19 hereinafter described and have requested the Annapolis City Council to
20 consider annexation of the said property to the lands included within the
21 corporate limits of the City of Annapolis, and there are no persons residing
22 within the area proposed for annexation; and

23
24 **WHEREAS,** the signature of the said petition for annexation has been verified, and it has
25 been ascertained that the person initiating said petition is owner of not less
26 than twenty-five percentum (25%) of the assessed valuation of the real
27 property located in the area to be annexed; and

28
29 **WHEREAS,** there are no persons who reside in the area to be annexed; and

30
31 **WHEREAS,** the Annapolis City Council conducted a preliminary review on this petition on
32 April 8, 2002, at which time the Council considered the requirements of
33 Section 2.52.040 of the Code of the City of Annapolis and directed the
34 applicant to work with the Public Works and Planning and Zoning
35 Departments to provide the necessary studies for proper consideration of this
36 Petition; and

37
38 **WHEREAS,** the Annapolis City Council conducted a public hearing on this request on
39 February 24, 2003, at which time the Council heard a staff report presented
40 by the Director of Planning and Zoning and the report of the Planning
41 Commission and received the Findings of Fact and Recommendations of the
42 Planning Commission dated December 20, 2002, together with a
43 Memorandum from the Planning and Zoning Director to the Planning
44 Commission dated October 30, 2002; and during which hearing testimony

1 was taken from the applicant and counsel, members of the general public
2 were afforded the opportunity to offer testimony and documentary evidence
3 was submitted and received; and
4

5 **WHEREAS,** the Annapolis City Council has considered the standards for the approval of
6 the Annexation request as set forth in Section 2.52.070 of the Code of the
7 City of Annapolis and finds as follows:
8

- 9 1. The annexation will enhance and will not be detrimental to or endanger the public
10 health, safety, morals, convenience or general welfare of the citizens of the area
11 proposed to be annexed or of the surrounding areas of the City and of the County;
12
- 13 2. The annexation will not be injurious to the use and enjoyment of other property in
14 the immediate vicinity nor substantially diminish and impair property values within
15 the neighborhood;
16
- 17 3. The annexation is in conformance with the plans of general development of the City
18 and of the County;
19
- 20 4. Acceptable and reasonable steps are being or will be taken to provide adequate
21 municipal services;
22
- 23 5. The annexation will not precipitate environmental degradation;
24
- 25 6. The annexation will generate revenue at least equal to the anticipated cost of
26 providing municipal services.
27

28 **WHEREAS,** the said property is presently designated as suitable for low density
29 residential uses which allows two (2) dwelling units per acre under the 1997
30 Anne Arundel County General Development Plan.
31

32 **WHEREAS,** the applicant requests a zoning classification of R1-A, Single-Family
33 Residence District for the property, which request has been addressed by the
34 City Council in considering Ordinance O-17-02.
35

36 **NOW THEREFORE BE IT RESOLVED** this 10th day of March, 2003, by the Annapolis City
37 Council that the hereinafter described property be, and it is hereby, annexed to the lands
38 and properties heretofore included within the boundaries of the City of Annapolis, and it
39 hereafter shall be generally subject to the provisions of the Charter and Code of the City
40 of Annapolis, said property being more particularly described as follows:
41
42

METES AND BOUNDS DESCRIPTION
TO ACCOMPANY
ARUNDEL LAND AND DEVELOPMENT CO., INC. PROPERTY
ANNEXATION PETITION INTO THE CITY OF ANNAPOLIS

~~**BEGINNING** for the same at a point at the end of the 8th Line of that parcel of land described in the conveyance from Alfred J. Daniels and wife to Blanche McFadden by deed dated August 8, 1960, recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1413 at Folio 142, thence running along the first, second, third, fourth and part of the fifth lines of the above mentioned conveyance and referring the courses of the description to the Maryland State Grid Meridian-~~

~~——— 1. ——— South 75 degrees, 33 minutes, 37 seconds West, 163.69 feet; thence~~

~~——— 2. ——— North 77 degrees, 29 minutes, 13 seconds West, 156.01 feet; thence~~

~~——— 3. ——— South 67 degrees, 30 minutes, 17 seconds West, 210.09 feet; thence~~

~~——— 4. ——— South 55 degrees, 13 minutes, 17 seconds West, 143.30 feet, and North 7 degrees, 18 minutes, 27 seconds East, 337.94 feet, to a point, said point being on the southerly side of Md. Rt. 665 (relocated Patuxent Blvd.) as shown on State Highway Administration Right-of-Way Plat #50406; thence~~

~~——— 5. ——— leaving the fifth line of the above mentioned conveyance and running along the southerly side of Md. Rt. 665 as shown on the above mentioned Right-of-Way Plat #50406 northerly along the arc of a curve to the right having a radius of 2,468.8247 feet for an arc distance of 528.42 feet; said curve having a chord of North 81 degrees, 35 minutes, 11 seconds East, 527.41 feet; thence~~

~~——— 6. ——— continuing along the said southerly side of Md. Rt. 665, North 87 degrees, 43 minutes, 5 seconds East, 218.02 feet and South 2 degrees, 16 minutes, 55 seconds East, 30.84 feet, to a point on the 8th line of the above mentioned conveyance; thence~~

~~——— 7. ——— leaving the said southerly side of Md. Rt. 665 and running along part of the 8th line of the above mentioned conveyance South 36 degrees, 0 minutes, 7 seconds West, 272.91 feet, to the point beginning-~~

~~**CONTAINING** approximately 4.113 acres of ground more or less as determined from deed information only and not by actual field-run survey.~~

BEGINNING for the same at a point at the end of the 8th line of that parcel of land described in the conveyance from Alfred J. Daniels and wife to Blanche McFadden by deed

dated August 8, 1960, recorded among the Land Records of Anne Arundel County, Maryland in Liber 1413 at Folio 142, thence running along the first, second, third, fourth and part of the fifth lines of the abovementioned conveyance and referring the courses of this description to the Datum of the City of Annapolis:

1. South 75E47'25" West, 163.69 feet to a point, thence

2. North 77E15'25" West, 156.01 feet to a point, thence

3. South 67E44'05" West, 210.09 feet to a point, thence

4. South 55E27'05" West, 141.23 feet to a point, thence

5. North 07E18'30" East, 337.94 feet to a point, said point being on the southerly side of Md. Rt. 665 (relocated Patuxent Boulevard) as shown on State Highway Administration Right-of-Way Plat #50406, thence leaving the fifth line of the abovementioned conveyance and running along the southerly side of Md. Rt. 665 as shown on the abovementioned Right-of-Way Plat #50406

6. 527.18 feet along the arc of a curve deflecting to the right having a radius of 2,468.8247 feet and a chord bearing and distance of North 81E56'06" East, 526.18 feet, thence continuing along the said southerly side of Md. Rt. 665

7. North 88E03'08" East, 218.02 feet to a point, thence

8. South 01E56'52" East, 30.84 feet to a point on the 8th line of the abovementioned conveyance, thence leaving the said southerly side of Md. Rt. 665 and running along part of the 8th line of the abovementioned conveyance

9. South 36E13'55" West, 272.91, to the point of beginning

CONTAINING 179,180 square feet or 4.1134 acres of land more or less as determined from deed information only and not by actual field-run survey.

BEING or intended to be that parcel of land described in a conveyance from Edith C. Daniels, widow and Blanche Whitley, formerly Blanche McFadden, by deed dated March 17, 1988, recorded among the Land Records of Anne Arundel County, Maryland in Liber 4567 at Folio 396.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the said property will be placed upon the tax rolls of the City of Annapolis immediately upon the effective date of this annexation, and the owner thereof shall be liable for real estate taxes

as provided by Maryland law levied for the fiscal year during which this Resolution is effective, prorated from the effective date.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that subject to the following conditions, the Arundel Land and Development Co., Inc. property annexation is hereby approved:

~~1. Prior to the issuance of any permits, and subject to the approval of the Department of Public Works, the developer of the Property shall submit to the City a water capital facilities impact charge in the amount of _____ Dollars per residential unit or the equivalent non-residential unit as determined by the Department of Public Works. This impact charge is in addition to all fees and charges customarily levied by the City of Annapolis.~~

1. The developer/property owner shall be responsible for all costs associated with the extension of water and sewer services to the site, including tap fees, capital facility connection charges, capital facility assessment charges and inspection fees. The developer will be required to extend and pay for the required sewer and water mains.

2. Stormwater facilities, roads, curbs, etc. that are to be owned and maintained by the City shall be constructed in accordance with City standards for right-of-way width and other construction details. The developer will be required to pay all costs associated with the construction.

3. Street lighting, if City owned and maintained, shall meet City standards and specifications. Street lighting will not be taken over by the City until the project is complete and one year's operating and maintenance cost is paid in advance.

4. Any rights-of-way to become public must be deeded to the City.

5. The City will not be responsible for maintenance and snow removal until final inspection and receipt of deeds.

6. The proposed relief road is expected to cut across the Arundel Land and Development property to connect with Aris T. Allen Boulevard. The developer will transfer the land needed for the relief road right-of-way and make an equitable contribution to the cost of construction of the relief road as finally agreed upon between the County and the various developers that expect to construct projects within the Forest Drive corridor.

7. Only one point of access shall be allowed to the site from Aris T. Allen Boulevard.
This access point shall be the relief road right-of-way.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the 1998 Annapolis Comprehensive Plan shall be amended to reflect the annexation of the Arundel Land and Development Co., Inc. property and the zoning designation as designated by Ordinance O-17-02.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this Resolution shall become effective upon the forty-fifth day following the date of its passage, provided no Petition for Referendum has been properly filed according to law.

ADOPTED this 10th day of March, 2003.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, CMC/AEE
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

Effective Date: April 24, 2003

EXPLANATION:

Redlining indicates matter added to existing law.

~~Strike Out indicates matter deleted from existing law.~~

Underlining and redlining indicate amendments.